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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 March 1998]

GE.98-11068 (E)

1. Human Rights Watch wishes to call the attention of the members of the United Nations Commission on Human Rights to three countries where the Office of the United Nations High Commissioner for Human Rights (OHCHR) has been involved through technical cooperation and advisory services programmes.

Cambodia

2. Human Rights Watch strongly endorses the OHCHR office in Cambodia, which plays an essential role in investigating and documenting abuses, and urges the Commission to extend its mandate. We also appreciate the efforts of the Secretary-General's Special Representative, Thomas Hammarberg, and of High Commissioner for Human Rights, Mary Robinson, during their respective visits to Cambodia.

3. The climate of fear and absence of official accountability for serious abuses that occurred during and following the 5-6 July 1997 coup are fundamental problems that must be effectively addressed by the Cambodian Government. Major deterrents persist to creating the neutral political environment and human rights conditions in which free, fair and credible elections can take place.

4. Cambodian NGOs are deeply concerned about unfounded attacks on the OHCHR's work by Second Prime Minister Hun Sen, and by his Government's attempts to discredit or close down the Office and to set up a national human rights commission to monitor abuses in its place. We believe the human rights situation is dire enough to warrant as much domestic and international monitoring as possible. But a national commission should not be a substitute for the OHCHR field office and instead should function in tandem with it, so long as the commission is established by law and is genuinely independent of the Government.

5. In the months since the coup, Second Prime Minister Hun Sen has initiated some reforms and made statements that on the surface looked promising. For example, the Government encouraged the return of opposition politicians who fled Cambodia after the coup and pledged that the media and human rights groups could continue to operate.

6. However, despite the documentation and requests for action by the OHCHR and local human rights organizations since 1993, there have been no arrests or punishment of perpetrators of the murders of at least 7 journalists, the attempted murders of 5 other journalists, the violent attacks on several opposition newspaper offices, or grenade attacks on opposition political rallies, including the attack on 30 March 1997 in which 16 people were killed and more than 100 were injured. A detailed report by OHCHR documented more than 40 cases of extrajudicial executions of opposition supporters that took place during and after the coup. But to date neither the Government nor the judiciary has launched an independent inquiry. No one has been charged for these acts.

7. We urge the Commission on Human Rights to call on the Cambodian Government to take the following steps:

(a) Bring to justice those who committed abuses against opposition members last July, as well as persons responsible for violent attacks against journalists, newspaper offices and others;

(b) End all threats and harassment against the Phnom Penh Office of the OHCHR;

(c) Allow the safe return to Cambodia of all political leaders in exile to participate in the elections;

(d) Ensure equal access of all parties running in the election to print and broadcast media;

(e) Ensure that the Electoral Law includes provisions that power will, in fact, be transferred to the winners of the elections. The National Electoral Commission should be reformulated as a truly neutral body with genuine independence and integrity, and the actual individuals nominated to serve on the Commission should be competent, independent and credible.

Colombia

8. Human Rights Watch strongly supports the OHCHR office in Colombia. The international community must continue to support this office, which has raised important issues during its year's work. Experts have travelled throughout the country to investigate reports of abuses and have recommended protective measures when necessary. At a time when many Colombian human rights monitors face danger in their work, the ability and willingness of the United Nations experts to travel and receive first-hand reports are especially important, and should be reflected in the Office's annual report.

9. We commend Mrs. Almudena Mazarrasa, Director of the Office, for her work, and encourage her to continue to develop the mandate of the Office, in particular its duty to observe and report on human rights violations and the Government's progress in implementing and enforcing previous United Nations recommendations. Other endeavours - like advising the Government, the armed forces and other groups within civil society - are important, but should not be considered the only tasks awaiting her attention.

10. Given the continuing complexity and gravity of the human rights situation in Colombia, we also call on the High Commissioner to expand this Office to a total of 12 experts. In addition, we ask the High Commissioner continue to pay sustained personal attention to the human rights situation in Colombia and to travel to Colombia in 1998, to visit the Office and hold meetings with government, military and NGO representatives, and victims of human rights and humanitarian law abuses in Colombia.

11. In addition to the work of the OHCHR field office, the United Nations should continue to demonstrate its concern about Colombia through other mechanisms. We call on the United Nations to continue to send representatives other than those directly connected to the Office to Colombia for periodic visits.

Tajikistan

12. A June 1997 human rights needs-assessment mission to Tajikistan led by the OHCHR concluded that lasting peace was threatened by factors including summary executions, unlawful detention, political persecution and violence against women. The mission recommended posting one or two senior human rights experts in Dushanbe and human rights training for government, military, law enforcement and academic personnel. Also recommended were constitutional and legislative advisory services and the provision of technical assistance to NGO and other personnel active in the protection and promotion of human rights. A mission in November 1997 by the United Nations Development Fund for Women (UNIFEM) called for the creation of an advisory group to the Commission on National Reconciliation, responsible for overseeing the implementation of the peace accord, and a media campaign to educate women and communities about women's rights.

13. Despite a 27 June 1997 peace accord signed by the Government and the United Tajik Opposition (UTO), which ended five years of civil war, widespread human rights abuses in Tajikistan continue amidst political instability and an overall absence of law and order. Human Rights Watch believes that these factors pose an immediate threat to the fragile peace agreement.

14. In the months following the peace agreement, fighting between rival government groups in southern and western Tajikistan resulted in summary executions, abductions, reported rapes and widespread looting. In the capital, Dushanbe, a wave of explosions was accompanied by soaring crime rates, high-profile assassinations of political and academic figures, and brutal murders of ethnic Russians. Unidentified armed attacks on both government and UTO forces, and sporadic clashes between the two, continued through mid-January 1998.

15. Hostage-taking persisted during the year, victimizing Tajiks and internationals. After the February 1997 abduction of international aid personnel and Russian journalists by a rogue militia group, the same group at later intervals took Tajik citizens hostage. In November 1997, it kidnapped two French aid workers based in Dushanbe. During the rescue operation conducted by government security forces, one of the hostages was mortally wounded. Government security forces killed the rogue group's leader, Rivzon Sadirov, immediately afterwards; however, as of this writing, members of his group remain at large and the fate of several of the Tajik hostages remains unknown. The trial of Bahrom Sadirov, accused of leading the February 1997 hostage-taking, as of this writing has not yet been completed. In early January 1998, a UTO field commander took hostage five persons including government representatives.

16. In April 1997 security forces put down a riot in the Khujand prison, which resulted in at least 24 deaths and 35 wounded; unconfirmed reports, however, pointed to substantially higher numbers. An assassination attempt against the President shortly afterward, also in Khujand, led to 2 deaths, over 70 wounded, and widespread arrests. Human Rights Watch believes that government actions in Khujand are associated with a broader effort to

suppress the Khujand-based political opposition. The Government continues to deny the ICRC access to prisons on ICRC terms, and prison conditions remain in many cases life-threatening.

17. The Government continues to severely curb freedom of expression, restricting the activities of those who expressed disagreement with official policies, and exercises near complete control over the electronic media.

18. In view of the seriousness of the human rights situation in Tajikistan, Human Rights Watch emphatically supports the OHCHR and UNIFEM recommendations and calls for them to be implemented as soon as possible. We also urge the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression to conduct investigations and report to the fifty-fifth session of the Commission on Human Rights.